

HM INSPECTORATE OF EDUCATION

Report on the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004

The Additional Support for Learning Act is a key piece of legislation in Scotland's efforts to achieve a more inclusive society and to give all young people access to the learning opportunities they need in order to meet their potential. The Act also has a key role to play in the day-to-day preventative action that schools can take to be inclusive and to avoid longer-term blights such as not being in education, employment or training when they move on from school.

In September 2005, Scottish Ministers asked Her Majesty's Inspectorate of Education (HMIE) to monitor and evaluate the consistency, effectiveness and efficiency of education authorities in implementing the Education (Additional Support for Learning) (Scotland) Act 2004 which came into force on 14 November 2005; and to ensure that procedures for implementation were in line with the duties of the Act 2004 and the associated Code of Practice.

This report is the outcome of that evaluation. Its findings are based on fieldwork in local authorities and schools and consultation with a range of voluntary agencies supporting families of children and young people. The main activities of this task were:

- to undertake an investigation of the implementation of the new legislation on additional support for learning across all 32 education authorities in Scotland;
- to seek the views of stakeholders as to the effectiveness of the new legislation;
- to evaluate the impact of the new legislation in improving the quality of learning, progress and achievements of children and young people with additional support needs; and
- to provide an interim report and a final report to Scottish Ministers on the key findings of the task.

The first section of the report focuses on how well education authorities are doing in their planning for implementation. It recognises that education authorities and schools have taken significant steps towards ensuring that all children and young people receive a more personalised education aimed at maximising success for all. Overall, they had developed effective procedures for implementing the Act. The most effective had fully involved other agencies such as health and social services in meeting the needs of children and young people with additional support needs. Implementing the Act had created good opportunities for reviewing local authority practices on inclusion. Education authorities and their partner agencies had begun to take a broader view than before about how they could more effectively support young people. In almost all authorities, key staff had a good understanding of the legislation and its key themes.

On the other hand, authorities required to develop their quality assurance arrangements to ensure that plans for young people are acted on and monitor whether the action taken has made a difference to families and young people. They needed to more fully involve health and social work services in implementing the Act, together with other agencies including the voluntary sector. There was scope for authorities to more effectively involve parents and provide them and their children with more information about their rights under the new legislation and about the different plans and programmes being used in schools. Authorities

had not sufficiently developed agreements with independent providers about coordinated support plans for children and young people in residential schools or secure care accommodation.

HM Inspectors looked at how well authorities had implemented their transitional arrangements in order to improve planning for changes in school education. Most authorities used staged intervention to ensure that additional support needs of children and young people are identified early and supported. At the pre-five stage, integrated support teams had significantly improved the planning process. Transition from nursery to primary and from primary to secondary school was working well with home-school link workers playing a key role in ensuring a smoother transition for children and young people.

However, authorities needed to ensure better co-ordination of agencies at the time of transition from secondary school to post-school options. They also needed to improve through care and after care planning for young people who are looked after and accommodated by the authority and support for young people moving from children's to adult services.

Authorities' capacity for meeting additional support needs was a key aspect of the report. In this respect, authorities were developing effective mechanisms to support children and young people with additional support needs, including joint assessment teams, shared assessment frameworks and more dynamic and flexible individualised educational programmes. Education authorities were increasingly working well alongside support services such as school nurses, community and home-school link workers and speech and language therapists to support young people.

Overall, authorities were less effective in combining assessment and recording procedures, including care plans and individualised educational programmes to ensure consistent approaches in meeting all support needs. Parents would benefit from receiving more information about co-ordinated support plans including letting them know who has overall responsibility for the co-ordinated support plan. Consistent practices across all authorities were needed in addressing the individual needs of children and young people who are looked after and accommodated, those who have mental health issues and young carers.

The majority of authorities had recognised the importance of resolving disagreements and complaints at school level. Many authorities had provided some solution-focused training for staff, using case studies and emphasising the importance of building positive relationships between schools and parents. Advice from school staff and educational psychologists helped parents to make important decisions about their children's needs. In general, services for mediation and dispute resolution were in place. When used, they were regarded as effective. However, authorities had not yet developed access to advocacy services for looked after and accommodated young people or given sufficient information about the role of independent adjudication to staff and families.

The report focused on the quality of co-ordinated support plans and the effectiveness of their implementation. Overall, multi-agency approaches to overseeing co-ordinated support plans were improving. Educational psychologists advised on coordination at school level and provided valuable advice and training about issues related to the process. In general, authorities shared their policies and procedures on coordinated support plans with their key staff and the quality of most coordinated support plans was good.

Authorities needed to consider and clarify what is meant by the term 'additional support needs' to make it easier to interpret the criteria for a coordinated support plan. They would particularly benefit from additional guidance which defines more clearly, the meaning of the

term 'significant' in relation to additional support needs. Some parents were confused by the different types of support plans developed to support young people in some authorities. Authorities' arrangements with residential special and secure care accommodation providers was not sufficiently developed in relation to co-ordinated support plans. There was inconsistency across authorities in interpreting the legislation related to coordinated support plans.

Finally, HM inspectors focused on the quality of authorities working with children and young families. Parents of children with a Record of Needs received information about their rights under the new legislation and most authorities planned to meet with parents through an annual review. However, they needed to involve parents and young people in a more meaningful way. In particular, they needed to consult with children and young people with additional support needs by supporting their ability to communicate their views and ensuring they fully understand their rights and the nature of support being provided for them.

This report identifies ways in which the Scottish Government, authorities and schools can take action to improve the quality of partnership working between agencies, and the support provided for children and young people with additional support needs.

The Government and all services for children, including schools and education authorities should take cognisance of the main findings of this report. They should build on the key strengths as outlined in each section in order to address the areas for improvement. They should consider the following key points when taking action to improve services:

1. Develop additional guidance which defines more clearly the meaning of the term 'significant' in relation to additional support needs.
2. Establish clear transition pathways from children's to adult services for all individuals at risk of missing out on the opportunities available for education and training and ensure effective through care and after care arrangements.
3. Give particular regard to the legal duty that local authorities have as corporate parents to looked after and accommodated children and consider provision of independent advocacy services for them.
4. Improve the quality and extent of local authorities' communication with young people and their parents, and engage young people and parents more fully in decisions which affect any future support, including communicating about services for resolving disagreements.
5. Evaluate the impact of the actions which local authorities take to support children and young people with additional support needs, including action when disputes arise, as an integral part of quality improvement processes in authorities.
6. As intended by the legislation and embodied in good practice, plan support services more clearly around the individuals whose needs are being addressed.
7. Improve opportunities for joint training of education practitioners and professional colleagues working in social services and other partner agencies.